

Complex/Subdivision Name: _____

MPDU RENTAL OFFERING AGREEMENT

This **MPDU RENTAL OFFERING AGREEMENT** (Agreement), made this _____ day of _____, 2_____, by and between _____ (Applicant) and MONTGOMERY COUNTY, MARYLAND (County).

WHEREAS, Applicant desires to offer for rent as Moderately Priced Dwelling Units (MPDUs) certain dwelling units described in Schedule A, attached hereto, pursuant to the provisions and requirements of Chapter 25A of the Montgomery County Code, 2004 as amended, all applicable Executive Regulations and pursuant to the MPDU Agreement executed on the _____ day of _____, 20____.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and obligations provided for herein, it is hereby agreed between the parties hereto as follows:

1. **DESCRIPTION OF PROPERTY:** Applicant hereby offers for rental as MPDUs those certain _____ (number) pieces of real property located in _____ (subdivision) (referred to collectively as “the property, properties or MPDUs” and individually as “an MPDU”). These properties are more particularly described by lot or unit, block, subdivision and parcel identification number in accordance with Schedule A, attached hereto, and made a part hereof.

2. **DELIVERY:** The properties described in Schedule A must be available for occupancy in compliance with County building code requirements within 120 days from the date of the County’s acceptance of this Agreement, or from the date of the lottery priority drawing, whichever is later. Time is of the essence with respect to the time period provided for in this paragraph. The Department of Housing and Community Affairs (Department) will notify the Applicant in writing of the date on which the priority period begins.

3. **ELIGIBILITY OFFERING:** For a period of 90 days from the date of acceptance of this Agreement by the County or from the date of the lottery priority drawing, whichever is later, the County has a preferential offering period within which to make the MPDUs available to persons on the County’s MPDU eligibility list. Those eligible persons who choose to lease an MPDU are required to turn in their MPDU Certificates of Eligibility to the Applicant or his agent at the time the MPDU is leased.

4. **PHYSICAL DESCRIPTION OF INDIVIDUAL UNITS:** The physical description of each MPDU, along with the items contained in each MDPU, is listed in Schedule B, attached hereto, and made a part hereof. Applicant warrants and guarantees that each MDPU will conform, at the time of delivery by Applicant, to the minimum specifications for all MDPU as required by the Department. The Department has the right to inspect the MPDUs to determine whether the Applicant has complied with the minimum specifications.

5. **RENTAL RATE:** The rental rate for each MPDU offered for rent by the Applicant must be at the price established by Executive Regulation or other rate approved by the

Department at the time of commencement of the County's 90 day priority offering period. Any MPDU that has not been rented during the 90 day priority offering period to a person on the County's eligibility list may be offered by the Applicant for rent to the general public at the rental rates contained in this Agreement upon written approval from the Department. The Applicant must make a demonstrable, good faith effort, as determined by the Department, to rent the MPDUs during the priority offering period. The Department may extend the priority offering period if it is determined that eligible households are available to rent the MPDUs.

6. NOTICE TO HOUSING OPPORTUNITIES COMMISSION AND NON-PROFIT HOUSING PROVIDERS: Applicant acknowledges that the Department is required to notify the Housing Opportunities Commission (Commission) and other non-profit housing agencies or organizations approved by the County Executive of the MPDU offering being made by the Applicant. The Commission and the approved housing agencies have the right to rent up to 40 percent of the MPDUs in any subdivision; however, the Commission may not rent more than 33 1/3 percent of the MPDUs in any subdivision. The Commission and other approved housing agencies have 21 days from the date of notification of the availability of the MPDUs within which to notify the Applicant, in writing, of their interest in renting up to 40 percent of the MPDUs. The Commission must designate the MPDUs which it and the other housing agencies are considering renting. After notification by the Commission of its intent to rent or not to rent any of the MPDUs, the Applicant has the authority to begin renting any of the remaining MPDUs to eligible persons. The Commission has 45 days from the date of notification of availability of the MPDUs to inform the Applicant of the Commission's (or any other housing agency's) final decision with regard to the rental of the MPDUs.

7. DOCUMENTS: Within 14 days from the date of execution of a lease agreement for each MPDU, the Applicant must provide the Department with the following documents: (1) copy of the signed lease agreement, (2) the original MPDU Rental Certification Form, (3) the original MPDU Certificate of Eligibility of the person renting the MPDU, and (4) a copy of the tenant's rental application.

8. DECLARATION OF COVENANTS: At or before the time of the execution of this Agreement by the Applicant, the Applicant must provide the Department with a signed Declaration of Covenants, in recordable form as provided by the Department, subjecting the MPDUs in the subdivision to the requirements of Chapter 25A of the Montgomery County Code, 2004, as amended, and all applicable Executive Regulations.

9. ATTACHMENTS: Attached hereto and made a part hereof are the following documents and/or schedules:

- A. addresses and legal descriptions of the MPDUs (Schedule A);
- B. general information sheet, including the description of the minimum specifications for each MPDU (Schedule B);
- C. unit description (size and number of bedrooms) and rental price sheet (Schedule C);
- D. a copy of the recorded subdivision plat or plats;
- E. floor plans for each MPDU unit type; and
- F. the lease and rental application and forms.

10. ADDITIONAL DOCUMENTS: Applicant must execute such additional documents as may be necessary or required to effectuate the intent and purpose of this Agreement, Chapter 25A of the Montgomery County Code, 2004, as amended, and all applicable Executive Regulations.

11. BINDING EFFECT: This Agreement is binding upon Applicant and the Applicant's agents, successors, assigns, personal representatives, and heirs.

12. WAIVERS: A waiver by the County of a specific requirement of default in this Agreement must be in writing; such a waiver is not a waiver of any other or subsequent default of similar or different nature.

13. NOTICES AND LIAISON: The County's liaison to this and any notices sent pursuant to this Agreement must be delivered in writing to:

Moderately Priced Housing Section
Department of Housing and Community Affairs
100 Maryland Avenue, 4th Floor
Rockville, Maryland 20850

Applicant:

14. SURVIVAL: The terms of this Agreement survive the execution and delivery of any deeds or leases to the MPDUs and do not merge therein.

15. APPLICABLE LAWS AND REGULATIONS: Applicant agrees to abide by and comply with all applicable laws and regulations regarding the subject matter of this Agreement, whether or not such laws or regulations are herein specifically enumerated or referred to.

16. SEVERABILITY: If any part, portion or provision of this Agreement is found to be null, void, illegal, or unenforceable for any reason by any court or governmental regulation or ruling, then only such part, portion or provision is affected thereby and the remainder of this Agreement remains in full force and effect.

IN WITNESS WHEREOF, the Applicant has caused these presents to be executed by _____ its _____ and its corporate seal to be affixed, and does appoint _____ its true and lawful attorney-in-fact to acknowledge and deliver these presents, and the County has on the day and year hereinabove written caused these presents to be signed by _____, its _____.

WITNESS:

**MONTGOMERY COUNTY,
MARYLAND**

STATE OF MARYLAND)

)ss:

COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that on this _____ day of _____, 20____, before me, the subscriber, a Notary Public in and for the aforesaid jurisdiction, personally appeared, who acknowledged that (s)he, as _____ of Montgomery County, Maryland, executed the foregoing on behalf of the County for the purposes therein contained.

WITNESS my hand and seal this _____ day of _____, 20____

My Commission Expires:

Notary Public

WITNESS:

APPLICANT

BY:_____

STATE OF MARYLAND)

)ss:

COUNTY OF MONTGOMERY)

I HEREBY CERTIFY that before me, a notary Public in and for the jurisdiction aforesaid, personally appeared _____ attorney-in-fact for the Applicant, who is personally known to me (or proven to be) the person who executed the above instrument, and that he executed the foregoing in the name and on behalf of the Applicant for the uses and purposes therein contained.

WITNESS my hand and seal this _____ day of _____, 20____.

My Commission Expires:

Notary Public

[illegible]

SCHEDULE B
GENERAL INFORMATION SHEET

1. Project Name: _____
Is this the legal name of the subdivision? Yes _____ No _____
If not, what is the legal name? _____
2. Developer Name: _____
3. Who is the contact person and management company for information about this project? _____ Phone: _____
e-mail: _____ fax: _____
4. Are the utilities being paid by the owner or tenant? _____
5. What is the required security deposit? _____. What (if any) restrictions will be placed on the tenant (i.e., no pets, no campers, etc.)?

6. Structured parking fee _____

SCHEDULE C UNIT DESCRIPTION

Please describe the items included in each MPDU. Please attach floor plans for each type of MPDU. Specify square footage of each unit type. Floor plans must be 8 1/2" x 11" in size. All units must be supplied with a refrigerator, range, range hood, and disposal.

<u>Unit Type</u>	<u>Unit Size</u>	<u>Number of Units</u>	<u>Approved Rental Rates</u>
<u>Efficiency</u>	_____	_____	\$ _____
<u>One Bedroom</u>	_____	_____	\$ _____
<u>Two Bedroom</u>	_____	_____	\$ _____
<u>Three Bedroom</u>	_____	_____	\$ _____

Amenities:

Check those provided:

Clothes Washer and Dryer
Dishwasher
Swimming Pool
Exercise Room

